

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED TARIFF FILING OF SOUTH)	
CENTRAL BELL TELEPHONE COMPANY FOR)	CASE NO. 93-135
TOUCHSTAR SERVICE CALLER ID - DELUXE)	

O R D E R

This matter arising upon petition BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed April 7, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with its proposed TOUCHSTAR Service Caller ID - Deluxe service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell proposes to introduce a new service TOUCHSTAR Service Caller ID - Deluxe. In support of its tariff for the service, South Central Bell has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for the proposed service are enhanced service providers. Disclosure of the information would provide competitors with South Central Bell's capital and operating costs, as well as contribution for the service which would be of assistance to competitors in devising market strategies. Therefore, the information has competitive value and should be protected as confidential.


This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its proposed TOUCHSTAR Service Caller ID - Deluxe, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this


Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 17th day of May, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director